ALSTON&BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424

404-881-7000
Fax:404-881-7777
www.alston.com

Lee A. DeHihns, III **Direct Dial: 404-881-7151** **E-mail: lee.dehihns@alston.com**

April 22, 2009

Douglas F. Mundrick, Chief
Clean Water Enforcement Branch
Water Protection Division
U.S. EPA Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Re: Administrative Order No. CWA-04-2009-4777 – Dalton Utilities

Dear Mr. Mundrick:

Enclosed with this letter is the response of Dalton Utilities to your March 31, 2009, letter and enclosed Administrative Order (AO) No. CWA-04-2009-4777 addressed to Mr. Don Cope, President and CEO of Dalton Utilities. The enclosures include a letter with a certification signed pursuant to Paragraph 15 of the AO and the documents which are responsive to the information requested in Paragraph 13 of the AO.

Please contact me if have any questions regarding the information supplied pursuant to the AO.

Sincerely,

Lee A. DeHihns, III

LAD:gba
Enclosures

LEGAL01/13110542v2

Dalton
UTILITIES

April 21, 2009

Mr. Douglas F. Mundrick, P.E., Chief
ATTN: Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: Administrative Order No. CWA-04-2009-4777
Dalton Utilities

Dear Mr. Mundrick,

Dalton Utilities has received and reviewed the aforementioned Administrative Order. Dalton Utilities discontinued the land application of sewage sludge on Dalton Utilities' Land Application System (LAS) in 1998. Since that time, Dalton Utilities has dewatered all sewage sludge generated and either disposed of it at a landfill or further treated it to create compost meeting exceptional quality (EQ) Class A standards. The compost is then transferred to a third-party. The design, construction, permitting and operation of the composting has been overseen by the State of Georgia Environmental Protection Division (EPD). Information on all sludge disposed of in a landfill and all materials which have been turned into compost has been reported monthly and annually to the Georgia EPD as required per our LAS Permit, No. GA02-056.

For clarity, the stipulations of Item 13 of the Order are listed below in plain text with Dalton Utilities response in italics.

a. Provide the name and location of Respondent's POTW, a narrative description of the wastewater treatment train, including but not limited to, the design flow capacity, the number of persons served, and the method of wastewater effluent disposal. A wastewater treatment train is a system of more than one specific wastewater treatment process or devices that are required to treat effluent.

Dalton Utilities operates three wastewater treatment plants (WWTP) which as of December 31, 2008 were serving approximately 10,271 residential customers (tap locations) and approximately 2,157 commercial, industrial and governmental customers. The Abutment WWTP located at 1259U VD Parrott Jr. Parkway, Riverbend WWTP located at 2101 Riverbend Road, and Loopers WWTP located at 924 Loopers Bridge Road all are biological wastewater treatment plants whose combined design flow is 49 million gallons per day (MGD) as average daily flow. All three WWTPs are permitted as part of Dalton Utilities Land Application System (LAS) as a non-discharging system by the State of Georgia LAS Permit Number GA02-056.

The Abutment WWTP receives influent at the headworks of the plant which is then treated through primary clarifiers, trickling filters, aeration basins, and final clarifiers before the effluent is transferred to the LAS.

The Riverbend WWTP and Loopers WWTP receive influent through a common line which sends the influent through bar screens, screw pumps, and fine screens before segregating the flows to be further treated at the two WWTPs. The influent for the Riverbend WWTP is conveyed for treatment through the Riverbend screw pumps, aeration basins, and clarifiers before the effluent is transferred to the LAS. From the separation of flows, the influent for the Loopers WWTP is transported via a pump station to the Loopers WWTP where it is then treated through aeration basins and clarifiers before the effluent is transferred to the LAS.

The effluent from the three WWTPs is transported to the canal or reservoir located at the LAS. The effluent flows through the canal system to the pump stations where the effluent is chlorinated and then pumped to various sprayfields. The effluent is distributed via underground piping and sprayed using impact sprinklers onto the land where the effluent infiltrates the soil surface and subsurface providing additional treatment.

b. Provide a narrative description of the sludge treatment process train at each Respondent's POTW, and of the treatment and disposal methods of sewage sludge in accordance with CFR Part 503.

Sewage sludge generated by the treatment facilities and processes described in response (a) above is transported to the LAS on-site biosolids handling facility where the sewage sludge is digested in aerobic digesters, thickened, dewatered via centrifuges and then mixed with wood waste to achieve the desired consistency and carbon to nitrogen ratio for composting. The mixture is then transferred to an on-site static pile composting concrete pad where it is aerated using an in slab aeration system and monitored until the proper pathogen reduction and vector attraction reduction criteria have been met. Pathogen reduction is attained by maintaining the temperature of each static pile above 131 degrees Fahrenheit (^{o}F) or 55 degrees Celsius (^{o}C) for three consecutive days.

The vector reduction criterion is met by maintaining the temperature of the static pile above 104 °F (40 °C) for 14 days and an average temperature of over 113 °F or 45 °C. The compost is then removed from the compost pad and transported to a dedicated area and placed in frequently turned piles for an additional curing time for a minimum of 60 to 90 days but typical cure times exceed 90 to 120 days. The curing ensures that the compost meets EQ class A quality requirements. The cured compost is then screened to meet the end user's requirements. Representative samples are collected from the final screened compost and analyzed for the density of Salmonella sp. bacteria and other pollutants as required by our permit. It is then sold or given away through a third party agreement.

c. Provide the amount of sewage sludge generated, in dry metric tons (dmt) from each Respondent's POTW and the disposal amount, disposal methods and disposal locations for each calendar year from 1999 through the present.

Attachment A provides a summary of the amount of sewage sludge generated, in dry metric tons, from our three POTWs including the disposal amount, methods, and locations for each calendar year from 1999 through the present. For the period from January 1999 to October 2001, the disposal amount is noted in wet metric tons as opposed to dry metric tons, as this was how the data was reported to the State of Georgia during this time period. This attachment includes the landfill waste manifests (divided into Attachments A for the year 2002, A1 for 2003, A2 for 2004, and A3 for 2005) for sludge that was disposed of at a landfill and manifests for compost (divided into Attachments A4 for the years 2004 to 2005, A5 for 2006, A6 for 2007, and A7 for 2008 and 2009) that has been transported off site in accordance with our third party agreement. Landfill waste manifests are not available for the period before 2002, as these records are only retained for five years in accordance with our LAS permit. This permit requirement is consistent with requirements in § 503.17(a). Records were last purged in 2007.

d. Provide copies of all sample results and its chain of custody record of the sewage sludge disposed for hazardous sewage sludge characteristics, as defined in 40 CFR § 503.6(e), and polychlorinated biphenyls (PCBs), as defined in 40 CFR § 503.6(f), from calendar year 1999 through the present.

No sewage sludge has been disposed of for hazardous sewage sludge characteristics or PCBs.

e. For sewage sludge disposed of at a municipal solid waste landfill unit subject to 40 CFR 258, provide copies of all sample results and its chain of custody record of the Paint Filter Test and the Toxicity Characteristic Leaching Procedure Test, and any and all other analytical data of the sewage sludge disposed at a municipal solid waste landfill from calendar year 1999 through the present.

Attachment B includes sample reports and chain of custodies for Toxicity Characteristic Leaching Procedure Tests and paint filter test results from our daily wastewater operations shift reports for sludge disposed of at a landfill. Daily wastewater operations shift reports are not available for the period before 2002, as these records are only retained for five years per our LAS permit. This permit requirement is consistent with requirements in § 503.17(a). Records were last purged in 2007. As such, paint filter test results for the period prior to 2002 are not available.

f. For sewage sludge disposed subject to 40 CFR Part 503, provide pathogen reduction and vector attraction reduction documentation in accordance with 40 CFR 503 Subpart D from calendar year 1999 through the present.

Attachment C provides pathogen reduction and vector attraction reduction documentation for our composting operations in accordance with our LAS permit. This pathogen reduction and vector attraction reduction documentation also meets the requirements in 503.32(a)(7) and 503.33(b)(5). Composting operations began in September 2003, and as such pathogen reduction and vector attraction reduction data is provided only for September 2003 to the present.

g. For sewage sludge disposed subject to 40 CFR Part 503, provide inorganic pollutant documentation in accordance with 40 CFR § 503.13, from calendar year 1999 through the present.

Attachment D includes inorganic pollutant documentation for our composting operations in accordance with our LAS permit. This inorganic pollutant documentation is consistent with requirements in 40 CFR § 503.13. Composting operations began in September 2003, and as such inorganic pollutant data is provided only for September 2003 to the present.

h. Provide copies of any and all other sewage sludge characteristics, including but not limited to nutrients, pH, priority pollutant scan, from calendar year 1999 through the present.

Attachment E provides nutrient, pH, and priority pollutant data. Priority pollutant data was not required for composting operations per our LAS permit, however, Dalton Utilities has included data that was collected on our sludge at various points in the treatment process. Composting operations began in September 2003, and as such nutrient and pH data is provided only for September 2003 to the present.

i. Provide any studies, analytical data or monitoring results indicating the presence of PFCs or fluoride in the sewage sludge, from calendar year 1999 through the present.

As there is no requirement to monitor for PFCs and fluoride in our permit or in any other regulation, Dalton Utilities has not collected any analytical data or monitored the sludge for PFCs or fluoride.

j. Provide a copy of Respondent's current operating State of Georgia permit to dispose biosolids or sewage sludge, as defined in Georgia Rule 391-3-6-.17 and a copy of Respondent's most recent permit application for a biosolids permit.

Attachment F provides our current State of Georgia LAS Permit and a copy of our most recent permit application for our State of Georgia LAS Permit which includes biosolids handling and the Sludge Management Plan that is incorporated as part of the permit.

k. Provide a copy of Respondent's State approved Sludge Management Plan.

Attachment G includes the State of Georgia approved Sludge Management Plan and the approval letter from the State of Georgia.

l. Provide a copy of all current agreements or contracts with third party preparers and appliers who receive the Respondent's sewage sludge.

Attachment H provides our agreement with our third party preparer and distributor.

m. Provide a copy of the notice and necessary information, as outlined in 40 CFR § 503.12, provided to the third party preparer or applier who receives the Respondent's sewage sludge.

In accordance with 40 CFR § 503.10(e), compost provided to our third party preparer and distributor meets the ceiling concentrations in Table 1 of §503.13, the pollutant concentrations in Table 3 of §503.13, the pathogen reduction requirements in §503.32(a), and the vector attraction reduction requirements in §503.33(b)(5). As such, this material meets the exceptional quality requirements and the management requirements in § 503.12 do not apply to this compost material. However, Dalton Utilities does provide information to our third party preparer and distributor. Attachment I is a copy of the notice and necessary information provided to our third party preparer and distributor for all of the compost prepared since the operation was started. Actual compost manifests that include this information are already included in Attachment A.

n. For sewage sludge disposed subject to the State of Georgia biosolids permit, provide copies of monitoring data and reports submitted to the State of Georgia from calendar year 1999 through the present.

Attachment J provides copies of monthly and annual reports submitted to the State of Georgia in accordance with our LAS Permit for the calendar years 1999 to the present.

o. For sewage sludge disposed subject to 40 CFR Part 503, provide the annual sludge reports, subject to 40 CFR § 503.18(a), from calendar year 1999 through the present.

Annual composting reports have been prepared in accordance with our LAS permit and submitted to the State of Georgia EPD before January 31 of each year. These reports include the information required by 40 CFR § 503.18(a) for the period of time that Dalton Utilities has been composting. Per the Official Code of Georgia Annotated (OCGA) Section 12-5-30.3(a)(1), sludge further treated as compost is specifically excluded from the definition of sludge. Therefore, Dalton Utilities did not believe that the compost needed to be reported to United States Environmental Protection Agency (USEPA) in accordance with 40 CFR § 503.18(a). For sludge that was landfilled during the 1999 to 2005 time period, Dalton Utilities reported to the State of Georgia EPD on a monthly basis in accordance with our LAS permit. Information from these annual and monthly reports for composting and landfilling that were submitted to the State of Georgia EPD have been transcribed onto a format to meet the requirements in 40 CFR § 503.18(a) for submittal to the USEPA in Attachment K.

If you have any questions, please contact me at 706-529-1091 or dcope@dutil.com.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

Don Cope
President & CEO

Attachments (11)

C: Dr. Carol Couch, Georgia Environmental Protection Division (cover letter only)
Dr. Bert Langley, Georgia Environmental Protection Division (cover letter only)
Lee A. DeHihns, Esq.